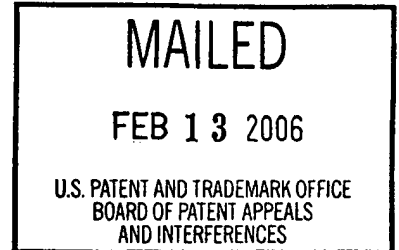UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EMANUEL KULHANEK

Application No. 09/898,679

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 26, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Appellants filed an Information Disclosure Statement (IDS) on June 18, 2004. It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98 because the examiner has not initialed next to each of the references nor signed and dated the 1449 as required by the Manual of Patent Examining Procedure (MPEP) § 609 C(2).

Application No. 09/898,679

According to the Manual of Patent Examining Procedure (MPEP) § 609(C)(2)

(Eighth Ed., Rev. 2, May 2004):

> Examiners must consider all citations submitted in conformance with the
> rules and this section, and their initials when placed adjacent to the
> considered citations on the list or in the boxes provided on a form PTO-
> 1449 . . . provides a clear record of which citations have been considered
> by the Office. . . . .

Accordingly, it is

    ORDERED that the application is returned to the examiner for

    (1)   proper consideration of the IDS filed June 18, 2004,

    (2)   notification to appellant in writing of such consideration, and

    (3)   for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
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